

# **Register of Deeds Frequently Asked Questions**

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## I. VITAL RECORDS

### *How do I go about receiving a certified copy of a birth, death, marriage, or divorce certificate?*

You can find the applications and detailed instructions on our website at <https://www.waukeshacounty.gov/ROD/>. Either you can come into our office, or you can submit the request by mail. We will need to see a valid Driver's License or ID with your request.

Our office is located at 515 W. Moreland Blvd Rm. AC-110, Waukesha, WI 53188.

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### *How much is a certified copy?*

It is \$20 for the first copy, \$3 for each additional copy, *per record, per visit*.

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### *What kind of ID do I have to bring?*

An applicant's original ID is required for all in-person applications. A photocopy of the applicant's ID is required for all mail applications. **Expired cards or documents will not be accepted.**

Examples of acceptable form of ID include:

<u>One of these</u>	<u>OR</u>	<u>Two of these:</u>
<ul style="list-style-type: none"><li>• State issued driver's license or ID card</li><li>• US Government issued photo ID</li><li>• US or Foreign Passport</li><li>• Tribal or Military ID card</li></ul>		<ul style="list-style-type: none"><li>• Bank/ Earnings Statement</li><li>• Current, dated, signed lease</li><li>• Health Insurance card</li><li>• Utility bill or traffic ticket</li><li>• Vehicle registration/title</li></ul>

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***My birth, death, divorce, marriage, or domestic partnership took place in a county other than Waukesha. Can you issue my records?***

We can issue statewide records in the following situations. If your event took place outside of these dates, you will need to acquire your record from the county in which the event took place.

<b>Vital Record Event</b>	<b>Issuance Date</b>
<b>Birth Certificates</b>	10/1/1907 - Present
<b>Death Certificates</b>	9/1/2013 – Present
<b>Marriage Certificates</b>	6/21/2015 – Present
<b>Divorce Certificates*</b>	1/1/2016 – Present
<b>Tribal Marriage or Divorce</b>	1/1/2016 - Present

\*Applications for divorces occurring prior to 1/1/2016 must be requested from the State Vital Records office in Madison.

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***I need a certified copy immediately, but live out of state. How can I expedite my request?***

The most efficient and cost-effective way to get your records in a short amount of time is to purchase an overnight mail envelope (FedEx, UPS, etc.) and mail it to us including your application, payment, a copy of your photo ID, *and a prepaid overnight envelope with your address*. In this way, we can place your records in the included overnight envelope so they can get to you quicker.

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***Can I pay for my records with Credit/Debit?***

No. Our office is only able to accept payment in the form of cash, check, money order, or a cashier's check.

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***Who can obtain certified copies of my records?***

Yourself, your parent(s), your legal custodian or guardian, a member of your immediate family (sibling, child, spouse, or grandparent), or an agent representing the person named in the record.

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***Will my vital records certificate be certified?***

If you are eligible to request the individual's certified copy, yes. All records come on certified paper with seals in the bottom corners.

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***Is this where I apply for my marriage license?***

No, you will apply for your marriage license at the County Clerk's office in the county where you live.

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***I just got married. Why doesn't the marriage certificate have my new name? How do I change my name?***

The marriage certificate will always retain your name at the time you were married. Not everybody chooses to change his or her name.

Once you have gotten married and your marriage license has been sent to the Register of Deeds office, please allow two weeks to process. You will then need to come into our office to purchase copies of your marriage certificate. Then you will go to the Social Security office and then the DMV to change your name.

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***How many copies of my marriage certificate should I purchase?***

We suggest that you purchase 3-4 copies of your marriage certificate. However, this ultimately depends on your situation. You will first go to the Social Security office and then the DMV to change your name. You will need a certificate to change your name on your passport, any state licenses, insurance policies, and military paperwork.

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***How long will it take for me to get my requested vital records?***

If you're coming into our office, please be prepared to wait at least twenty minutes. All records are issued out of the state system, which typically takes time. If you are mailing in your request, allow at least two weeks to receive your vital records.

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***How many copies of my birth certificate will I need to get my Passport?***

It is possible that the Passport Agency will not return your birth certificate. For this reason, we recommend getting more than one birth certificate.

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***What is the difference between a death certificate with the extended fact of death verses the fact of death?***

Extended fact of death includes the decedent's cause of death, while the fact of death does not. The extended fact of death might be necessary for legal purposes or life insurance policies, while the fact of death has limited to use depending on your situation—it's best to see what's required before purchasing your records.

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***Can I get a copy of my divorce decree here?***

No. The divorce decree would be a record from the courts with the results of the divorce case. We can only issue a copy of the divorce certificate, but only if the divorce occurred from 1/1/2016 to the present. If your divorce occurred before that time, you will need to contact the State Vitals Office in Madison.

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## II. Land Records

### *What kinds of documents are recorded in the Register of Deeds?*

The Register of Deeds office handles the recording and filing of deeds, mortgages, land contracts, subdivision plats, certified survey maps, condominium declarations, etc.

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### *How do I obtain a copy of a document?*

We have three options available to obtain document copies for land located in Waukesha County. Before choosing the option that works best for you, please review the following guidelines carefully:

- You must provide the specific recording data necessary to process your request (ie: Document Number, Volume/Page, Reel/Image). Requests for the most recent deed, or all liens on a property will not be fulfilled.
- We **DO NOT** perform title searches to find the recording data, that is your responsibility
- Refer to the fee schedule below to determine copy costs

Option One – In Person	Option Two – By Mail	Option Three – Online
Request copies in person at the Register of Deeds Land Records Service Desk between 8 am and 4:30 pm Monday – Friday. Please arrive no later than 4 pm. Purchases may be made by cash or check only. Register of Deeds staff will not perform title searches or research.	Request copies by mail. You must provide the recording information (document number, volume/page, reel/image) along with the proper fee and a self-addressed stamped business size envelope. Please include a current phone number with your request in case we have questions. Our mailing address is: Land Records Document Request Register of Deeds 515 W. Moreland Blvd. Room AC-110 Waukesha, WI 53188	Search, view and purchase copies of documents on our Public Access Website. There is no fee to search or view documents.  Please refer to the guide by clicking <a href="#"><u>here</u></a> .

**NOTE: The Register of Deeds will not fulfill document copy requests made via e-mail or telephone.**

### **Fee Schedule for Land Records**

All documents are \$2.00 for the first page of each document, \$1.00 for each additional page

Certified copies are an additional \$1.00 per copy

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***Why didn't I receive a copy of my document?***

We return documents to the returnee listed on the document. In many cases, the drafter of the document (lending institution, title company, or attorney) will have the document returned to their office.

Some documents are now electronically recorded. Because it was recorded electronically, there is no paper document to be mailed back. You may call our office to see if something was recorded, but please know the date range of your document when calling.

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***I was told I need a legal description of my property. Where can I find that?***

The legal description of your property appears on your deed, and should appear on any other document recorded to your property. You can also find your legal description on your tax bill. However, the legal description on your tax bill is likely to be abbreviated or may be incomplete and should not be used for documents that will be recorded. The online tax roll can be found at: <http://tax.waukeshacounty.gov/>.

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***I paid off my mortgage. Will I receive a new deed?***

No. Under Wisconsin law, you only receive one deed to your property and you should have received it shortly after you closed on your property. If you take a look at your deed, you will notice that your name appears as a "grantee" but the bank is never mentioned. So, when you pay your mortgage in full, it is not necessary to update your deed.

What does need to be done is to have a "Satisfaction of Mortgage" document recorded with the Register of Deeds office. Financial institutions are required to record such a document within a specified timeframe. If you received a "Satisfaction of Mortgage" endorsed with a time, date and document number from a Register of Deeds office, nothing further needs to be done. If you have not received the endorsed satisfaction, you should check with your lender to be certain they processed the appropriate paperwork.

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### ***How far back can I search on your website?***

Currently, the records on the website go back to 1953. However, documents from 1953 to 1994 must have the document location (Document #, Reel/Image, or Volume/Page). Indexing data for those documents is currently not available.

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### ***How do I change my deed so that it reflects my married name?***

This question is more complex than it seems at first. In its simplest form, you are not *required* to take any action. When you sell the property at some point in the future, simply indicate on the deed, for example: "Mary Smith, nka (now known as) Mary Jones hereby grants...etc." However, there are many other details that impact the answer to this question. The most important of which is Wisconsin's Marital Property law. This law assumes that property used by a couple during the course of a marriage is jointly owned unless specified otherwise.

If you wish to remain the sole owner of the property and do not intend to convey any interest in the property to your spouse, steps must be taken prior to and during the marriage to assure that this occurs.

If, however, you intend for your spouse to share in the ownership of the property, there are a number of ways a married couple can hold title to property and each one has distinct legal implications. Depending on your financial status, age and other factors, a trust might even be advisable.

As you can see, it is best to seek the help of an attorney to draft a deed that will accomplish your goals. The staff of the Register of Deeds cannot tell you which forms to use to transfer property, nor can they assist you with completing the necessary documentation to transfer property.

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### ***Can you tell me about easements or lake access on a property?***

No. This is information best received from a title company. You are certainly able to search our records yourself, but unless you are familiar with searching land records, it will be a time-consuming and complicated task. The Register of Deeds staff is not able to search easements for you.

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***Is my property free and clear of encumbrances? Can you answer questions about my title?***

The Register of Deeds office is not authorized to render opinions regarding the status of title. Professional title examiners or abstractors use the records in our office as well as searching records in other county offices to determine if the title is free and clear.

Title policies and title reports are not recorded in our office. These are prepared and issued by private title companies, and you will need to contact a title company for information on these.

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***I need to know if there are any liens on my property. Can you do that? Can I do it myself?***

No, this is the work of a title company. While our office records mortgages and federal tax liens, there are a number of liens that are not recorded here. These would include contractors' liens, association fees, state tax liens, local special assessments, and unpaid property taxes, etc, which appear in other public records. The title companies can do a complete search of all public records to give you a full and complete report of the status of your property title.

While you can certainly come in and search our records, practically speaking, a title search is an in-depth and complex procedure that is best handled by a professional.

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***Can you tell me the date my house was built? Do you have building plans and permits? What about subdivision restrictions and rules?***

No. The Register of Deeds records land records, and does not have access to building plans or information on the building itself. You can check with the local municipality for additional information on buildings. You can check with our online public access database to see if subdivision restrictions were recorded for your subdivision. However, they may not have been recorded and then we would not have any information to assist you.

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***Can I use your Public Access Document search on my phone, tablet, or other mobile device?***

No. While we've upgraded to enable users to use Internet Explorer, Chrome, and Firefox, you must use a desktop or laptop computer. You may have difficulties viewing and purchasing documents on a mobile device.

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***I'm filing for bankruptcy, and need a copy of my deed and mortgages. Can you help me?***

We can help you get your deed, if you bring an address or tax key number to identify the correct parcel. Mortgages are far more complicated, and the Register of Deeds cannot identify the correct mortgage documents. That falls into a lien search, and your attorney should offer you guidance as to which mortgages documents, and which pages, you will need.

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***Do you have a particular attorney I should call?***

We are unable to offer attorney recommendations for people. However, you may contact the Waukesha County Bar Association's Lawyer and Referral and Information Service. You can visit them online at [www.waukeshalawyers.org](http://www.waukeshalawyers.org), or call at (262)544-4016.

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***Can you recommend a surveyor or title company?***

Like attorneys, we are unable to offer recommendations of surveying companies and title companies.

You can find a list of title companies associated with the Wisconsin Land Title Association at <http://www.wlta.org/membership.asp>.

You can search for land surveyors by clicking on the "resources" tab on the Wisconsin Society of Land Surveyors website here: <https://www.wsls.org/>.

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***My spouse passed away, how do I remove him/her from our property?***

We have a form and instructions in our office called the Application for the Termination of Decedent's Interest (HT-110). You can obtain the form and instructions from our office or online at our [Links](#) page.

If both parties were not named on the deed, you will have to contact the Probate department. We recommend following the advice of an attorney when winding up an estate and transferring property title.

As a part of the application, you will have to provide the following: 1) the current property deed, 2) an original death certificate of the party you wish to remove from title, and 3) a 1-page Real Estate Transfer Receipt.

To get a 1 page transfer receipt, fill out the Wisconsin Real Estate Transfer Form at the Department of Revenue website [www.revenue.wi.gov/retr/index.html](http://www.revenue.wi.gov/retr/index.html) . You can find and print out the instruction under Online Services for eRETR. You can find helpful videos for filling out the form under Resources – Helpful Videos-choose Governments. If you have questions when filling out this online form you can find “Contact Us” choose Submit a Question, at the bottom, left hand side of the page.

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***An error was made on my recorded document. How do I make a correction?***

- (1) We suggest you refer to Wisconsin statute 706.085 for instructions on how to draft a Correction Instrument. Correction instruments are often filed by the person most familiar with the cause of the error, and who has the best understanding of the proper legal resolution.
- (2) Per the Department of Revenue Website—“Any deed, Correction Instrument, or Affidavit (correcting a conveyance document), requires a transfer return (eRETR) under state law (sec 77.22(1), Wis. Stats.). A corrective instrument is exempt from a transfer fee under state law (sec. 77.25(3), Wis. Stats.).”

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***I am starting a business. What form do I need to fill out and record in your office?***

Our office records the Registration of Firm name, which can be used if your firm is a sole proprietorship, general partnership, or association. This form is required to be put on record if you plan to obtain credit for your business per Wisconsin Statute 134.17. You can obtain the form and instructions from our office, or online at our [Links](#) page. Depending upon your circumstances, you may also register your business with the Wisconsin Department of Financial Institutions. For more information on starting a business, you can call 1-800-940-7232, or go online to <http://wisconsinsbdc.org/business-answerline>.

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***I have a transfer of affidavit \$50,000 and under form, does it get recorded in your office?***

If this affidavit describes an interest in or lien on real property, a certified copy or duplicate original of the affidavit shall be recorded in the Register of Deeds in each county in which the real property is located.

If you have questions on this form and it does not involve real estate, you can contact the Estate recovery Program at (608) 264-6756 for a pre-recorded message, or call (608)264-7739 between the hours of 8:00 a.m. and 4:00 p.m. For general questions about Estate Recovery and/or questions regarding Transfer by Affidavits with real property, call (608)264-6755.

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***I am named as a beneficiary on a transfer on death deed and now the owner of the property has passed away. What do I have to do?***

You will now have to fill out the Transfer of Death to Beneficiary Form (TOD-110) and also complete a Wisconsin Electronic Real Estate Transfer Form per Wisconsin Statute 705.15. We have the TOD-110 form and instructions in our office, or you can obtain it at our [Links](#) page. You will need to go to the Department of Revenue Website <https://www.revenue.wi.gov/Pages/RETr/Home.aspx> to complete the Wisconsin Real Estate Transfer Form. We will need the completed TOD-110 form and the Wisconsin Real Estate Transfer Receipt in order to make the change to the property.

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***Does a deed have to be recorded?***

A deed should be recorded as promptly as possible as it may cause legal difficulties later. However, there is no time limit on recording a deed. This does not pertain to a Transfer on Death Deed as the TOD beneficiary designation is not effective unless the deed on which the designation is made is recorded per statute 705.15(2).

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***What are the requirements for creating my own document to record in the Register of Deeds office?***

You can find information on the Wisconsin Register of Deeds Association website [www.wrdaonline.org](http://www.wrdaonline.org) pertaining to Standard Format Requirements per Wisconsin Statute 59.43(2m). Look under Recording Document/Fees – Standard Document Format – Tutorial.

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***I paid off a federal tax lien, but it still appears on my credit report. Why? Can you remove it?***

While Federal Income Tax Liens are recorded in our office, we have no jurisdiction over the lien itself or any release documentation once the lien is satisfied. We cannot record a Release unless one is presented to us for recording.

The IRS changed their procedure several years ago and now consider their liens to be “self-releasing” after a certain number of years. As a result, they do not record release documents as they did in the past.

It is our observation that credit-reporting agencies may not read documents. They only look at the index and may be unaware of the self-releasing feature. However, if you contact the IRS, their staff may prepare a Certificate of Release that you can record, which should clear your credit report. Contact the manager in charge of preparation of Federal Tax Liens at 1-800-913-6050.

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